

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-19721 of 2020
Date of Decision : 02.03.2022

Joga Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 11 dated 28.01.2009, registered under Sections 406, 420 IPC and Section 12 of Passports Act, 1967 at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner argues that petitioner never knew about registration of the FIR against him as he was not in India and now, the petitioner has already surrendered before the authorities concerned and the challan has also been presented against him coupled with the fact that father of the petitioner, who was also a co-accused in the said FIR, has already been acquitted by the Competent Court of Law of the similar allegations and, therefore, keeping the petitioner behind bars during the entire period of trial will serve no useful purpose.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the petitioner was declared a proclaimed offender and it was only after a period of 10 years, he surrendered but concedes the fact that the other co-accused, who faced the trial in the said FIR on similar allegations, have already been acquitted including the father of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed here that due to pandemic of Covid-19, the petitioner was given interim bail and it is a conceded position that the petitioner has not misused the same. Further, keeping in view the restricted working of the Courts due to the pandemic of Covid-19, the trial is likely to take some time to complete even after submission of the challan coupled with the fact that the co-accused of the petitioner facing the similar allegations, have already been acquitted by the Competent Court of Law, the petitioner has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 02, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No